

AMENDMENTS TO THE DRAWINGS

In accordance with 37 C.F.R. § 1.121(d), the attached sheet of drawings includes changes to FIG. 10B. This sheet, including FIG. 10A and 10B, replaces the original sheet including FIG. 10A and 10B. In FIG. 10B, a legend --PRIOR ART-- has been added. *No new matter has been added.*

REMARKS

This amendment is responsive to the Office Action dated December 22, 2008. Because March 22, 2009, the last date for response within 3 months from the date of mailing the non-final rejection, falls on a Sunday, the period of response within 3 months from the date of mailing the non-final rejection is extended to March 23, 2009, which is the next day that is neither a Saturday, Sunday nor a Federal holiday in the District of Columbia. Accordingly, this response is filed within 3 months from the date of mailing the non-final rejection and is timely.

In the amendment, claim 1 has been amended to incorporate the features of claims 2 and 3 and claims 2 and 3 have been cancelled. Further, applicant has added additional features to claim 1. Support for these features may be found variously throughout the Specification, including, but not limited to pages 12-16 (paragraphs [0029]-[0036]) of the specification as originally filed. Claims 4 through 8 have also been amended so as to depend from claim 1. *These amendments add no new matter.* Claims 1 and 4-8 remain pending in the application. In light of the foregoing amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

Specification Objections

Applicant has submitted a Clean Substitute Specification to be replaced with the original specification. The Clean Substitute Specification include sections complying with 37 CFR 1.77(b).

Additionally, Applicant has corrected typing, grammatical and idiomatic errors pointed out by the Examiner in the substitute specification as follows:

On page 1, paragraph [0003], applicant has rewritten the sentence “since a ring-shaped light beam is equally emitted from the periphery of the optical system, not only a portion that has microscopic flaws and foreign matter, but directional flaws cannot be detected” as “since a ring-shaped light beam is equally emitted from the periphery of the optical system, not only a portion that has microscopic flaws and foreign matter but also directional flaws cannot be detected.”.

In page 9, paragraph [0042], applicant has corrected “bright” to “dark”.

In page 9, paragraph [0044], applicant has corrected "Fig. 7" to "Fig 6".

Applicant has also corrected the abstract of the disclosure so that the abstract would comply with MPEP§608.01(b).

Drawings Objections

Regarding the objections to Figures 10A-B, applicant has submitted a Replacement Sheet. In Figure 10B of the Replacement Sheet, a legend --Prior Art-- has been added so that the Figure 10B would comply with §608.02(g).

Regarding to objections to Figures 4-6, 8A-B, and 9A-B, applicant has added the reference characters in the Substitute Specification so that the drawings would comply with 38 CFR 1.84(p) (5).

Claim Objections

Regarding the sentence "the incident area of the dark field illumination light" of claim 1, applicant has amended the term "the" appearing before the term "incident" to "an".

Regarding the sentence "the optical axis of the first optical system" of claim 2, which are now incorporated to claim 1, the applicant has amended the term "the" appearing before the term "optical" to "an".

Claim Rejections - 35 USC§112

Claims 2-6 and 8 were rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim what Applicant regards as the invention.

In amended claim 1, which has incorporated subject matter of now cancelled claims 2 and 3, applicant has added additional features that the barrel has a cylindrical surface; the first fit portion of each of the shield plates has a ring shape and fits the surface of the hold member; and the second

fit portion of each of the shield plates fits a adjacent shield plate and causes the shield plates to be rotated together while the first fit portion fits the surface of the hold member so that the shield plates are opened/closed.

According to the amended claim 1, the operation of each of shield plates has now been fully clarified. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3-6 and 8 under 35 U.S.C. § 112, second paragraph.

Claim Rejections - 35 USC§102(b)

Claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Baurschmidt (Germany reference No. 34 09 657). This rejection is respectfully traversed.

As amended, claim 1 now recites: *[a]n object lens, comprising:*

a first optical system that obtains a magnified image of an object;

a second optical system that guides dark field illumination light to the object;

a barrel that contains the first optical system and the second optical system and has an optical path around the first optical system for the dark field illumination light, the barrel having a hold member that has a cylindrical surface and holds the first optical system; and

a shield mechanism that is disposed on the optical path and that varies the an incident area of the dark field illumination light to shield the dark field illumination light,

wherein the shield mechanism includes a plurality of shield plates layered in the direction of the optical axis of the first optical system, the shield plates being opened/closed by rotating about the optical axis so as to vary the incident area of the dark field illumination, and

wherein each of the shield plates includes:

a first fit portion that has a ring shape and fits the surface of the hold member so that each of the shield plates can be opened/closed; and

a second fit portion that fits an adjacent shield plate and causes the shield plates to be rotated together while the first fit portion fits the surface of the hold member so that the shield plates are opened/closed.

Baurschmidt fails to disclose or suggest these features. As best understood without a proper translation provided by the Examiner, Baurschmidt discloses a screen mechanism (13-15) disposed on the optical path of the darkfield light wherein the mechanism is operated to vary an incident area of the darkfield illumination light. (Baurschmidt, FIGS. 1-2; p. 6-8.)

However, in contrast to claim 1, Baurschmidt fails to disclose or suggest “*wherein the shield mechanism includes a plurality of shield... wherein each of the shield plates includes:*

a first fit portion that has a ring shape and fits the surface of the hold member so that each of the shield plates can be opened/closed; and

a second fit portion that fits an adjacent shield plate and causes the shield plates to be rotated together while the first fit portion fits the surface of the hold member so that the shield plates are opened/closed.”

In the claimed invention, since the second fit portion causes the shield plates to be rotated together and opened/closed when only one shield plate is operated and opened/closed, the incident area can be easily adjusted. This improves the operability of the user. (See Clean Substitute Spec., para. [0009].)

Accordingly, because Baurschmidt fails to disclose or suggest each and every feature set forth in claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Baurschmidt. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”); *see also Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (“The identical invention must be shown in as complete detail as is contained in the ... claim.”).

Claims 1-3 and 6-7 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Osamu (Japanese reference No. 10-31164). This rejection is respectfully traversed.

Claims 2 and 3 have been cancelled. Accordingly, the rejection of these claims is believed to be moot, and Applicant respectfully requests that the rejection of these claims be withdrawn.

Osamu, like Baur Schmidt, fails to disclose or suggest the features recited by claim. Osamu discloses an objective lens system having a barrel (1) supporting both the first optical system and the second optical system and has an optical path around the first optical system for darkfield light (4). However, in contrast of the claimed invention, the barrel (1) in Osamu does not disclose a *“barrel having a hold member that has a cylindrical surface... wherein each of the shield plates includes: a first fit portion that has a ring shape and fits the surface of the hold member[.]”*

Furthermore, in contrast to claim 1, Osamu discloses that each of the blades (12) comprises a first end rotatably connected to the outer case (11) and a second end movable along a corresponding groove (10a) formed on the second portion of the inside case (10). That means each of the blades (12) of Osamu is provided independently of each other, and a larger force needs to be applied to the adjusting device (9) (outer case (11) and inside case (10)) in order to move all of the blades (12) together.

Thus, Osamu fails to disclose a *“shield mechanism ha[ving] a plurality of shield plates... wherein each of the shield plates includes:
a first fit portion that has a ring shape and fits the surface of the hold member so that each of the shield plates can be opened/closed; and
a second fit portion that fits an adjacent shield plate and causes the shield plates to be rotated together while the first fit portion fits the surface of the hold member so that the shield plates are opened/closed.”*

According to claim 1, each of the shield plates fits each other and the shield plates can be easily rotated together. This is clearly a fundamentally different approach to that of Osamu. In the claimed invention, therefore, when only one shield plate is operated and opened/closed, the incident area can be easily adjusted. This improves the operability of the user. (See Clean Substitute Spec., para. [0009].)

Furthermore, in Osamu, the first end of each of the blades (12) needs to be rotatably pinned or screwed to be connected to the outer case (11) and a plurality of groove (10a) are need to be

formed on the inside case (10) for guiding the second end of each of the blades (12). On the other hand, in the claimed invention, since the first fit portion of each of the shield plate has the ring shape and fits the cylindrical surface of the hold member so that each of the shield plates can be opened/closed, claimed invention can easily rotate and open/close the shield plates without complex mechanism and at low cost.

Dependent claims 6-7 are not disclosed or suggested by Osamu since they incorporate the features of independent claim 1, as well as the distinctions of their separately recited patentably distinct features.

In particular, regarding claim 7, the examiner noted that each end of the blades (12) of Osamu which connects to the outer case (11) and the second portion of the inside case (10) comprises a protrusion which protrudes from the lens barrel (1). However, Osamu appears to be completely silent as to the protrusion. The blades (12) of Osamu would not need any protrusions because the blades are moved by rotating the outer case (11) relative to the inside case (10).

Thus, Osamu clearly fails to disclose "*wherein at least one of the shield plates includes a handle member that protrudes from the barrel[,]*" as recited in claim 7.

Accordingly, because Osamu fails to disclose or suggest each and every feature set forth in claims 1 and 6-7, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 6-7 under 35 U.S.C. § 102(b) as being anticipated by Osamu. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."); *see also Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) ("The identical invention must be shown in as complete detail as is contained in the ... claim.").

CONCLUSION

In view of the foregoing arguments, all claims are believed to be in condition for allowance. If any further issues remain, the Examiner is invited to telephone the undersigned to resolve them.

This response is believed to be a complete response to the Office Action. However, Applicant reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 C.F.R. § 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. OMY-0056 from which the undersigned is authorized to draw.

Dated: March 23, 2009

Respectfully submitted,

By 

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Attachments: Clean Substitute Abstract
Replacement Sheet for FIG. 10
Annotated Sheet Showing Changes to FIG. 10
Clean Substitute Specification
Marked-up Substitute Specification